

*Washington, DC* - U.S. Representatives Maurice Hinchey (D- NY), John Hall (D-NY), and Michael A. Arcuri (D-NY) have requested a follow up congressional hearing and a U.S. Department of Energy (DOE) public meeting in upstate New York to address public concerns regarding the DOE's draft proposal to create a Mid-Atlantic Area National Corridor, which could allow New York Regional Interconnection (NYRI) and other private companies to circumvent state authority and utilize federal eminent domain to acquire private property.

In a letter sent Friday afternoon to Kevin Kolevar, Director, Office of Electricity Delivery and Energy Reliability, Hinchey, Hall, and Arcuri requested local public meetings in upstate New York during the 60-day public comment period for the DOE's draft designation of a National Interest Electric Transmission Corridor (NIETC) - to allow communities most affected by NYRI's proposed power line the opportunity to voice their concerns.

"In order to maximize public participation in these meetings and ensure that all stakeholders in this process are given fair opportunity to convey their opinions in this matter, we respectfully request that DOE hold at least one additional public meeting on the proposed NIETCs within the 60-day public comment period. We strongly encourage you to hold the additional meeting(s) in upstate New York, closer to the 'source' area and communities along the proposed Mid-Atlantic Area National Corridor," Hinchey, Hall, and Arcuri wrote to Kolevar.

The congressmen also sent a letter to U.S. Representative Dennis Kucinich (D-OH), Chairman of the House Oversight and Government Reform Committee Subcommittee on Domestic Policy, requesting a follow up congressional hearing in upstate New York regarding the Energy Policy Act of 2005, which created new federal authority to site electric transmission lines throughout the country, except for certain parts of Texas.

Included in the DOE's draft is a proposal to create a Mid-Atlantic Area National Corridor, which would include the following counties in New York State: Albany, Bronx, Broome, Cayuga, Chenango, Clinton, Columbia, Delaware, Dutchess, Erie, Franklin, Fulton, Genesee, Greene, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Seneca, Suffolk Sullivan, Ulster, Wayne, Westchester, and Wyoming.

Section 1221 of the Energy Policy Act of 2005, created new federal authority to site electric transmission lines throughout the country. Under the Act, the Department of Energy may designate areas of the country as "National Interest Electric Transmission Corridors." Within these corridors, state authority over transmission lines may be preempted and new federal eminent domain authority could be used to obtain land for approved electric utility transmission projects such as the one proposed by NYRI. Hinchey voted against the bill when it came before

the House in 2005.

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Both letters are attached below:

April 27, 2007  
Mr. Kevin Kolevar, Director  
Office of Electricity Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Kolevar:

We are writing in regards to the Department of Energy's (DOE) draft National Interest Electric Transmission Corridor (NIETC) designation announcement yesterday. While we expected this announcement in the near future, it comes as a great shock that we heard this news just one day after you testified before the House Oversight and Government Reform Committee's subcommittee on Domestic Policy about the implications of section 1221 of the Energy Policy Act of 2005 (Public Law 109-58) allowing for the creation of NIETCs, but failed to mention this announcement was imminent.

The DOE's draft NIETC corridor designations include a proposal to create a Mid-Atlantic Area National Corridor that covers many of the counties we are privileged to represent. As you know, New York Regional Interconnection (NYRI), a private company, is proposing to build a 190-mile high voltage direct current electric transmission line from Oneida County, NY to Orange County, NY. This NYRI proposal has raised very significant concerns and strong opposition from local, county and state officials as well as a broad spectrum of organizations representing business, agricultural, environmental, historic and cultural interests.

As you also may be aware, in response to the growing list of concerns regarding the NYRI project, as well as possible federal preemption in the siting of this controversial project, both state and federal officials have taken strong stances in opposing the project. In October 2006, the New York State Legislature passed a law that bars NYRI from utilizing existing state eminent domain procedures. At the federal level, we are committed to working in Congress on behalf of our constituents to oppose and defeat the NYRI proposal, which we view as unnecessary for New York State and detrimental to the communities that we represent.

We are particularly alarmed at the prospect that under the proposed NIETC designation, New York State's authority to review and permit NYRI's proposal could be preempted by the Federal Energy Regulatory Commission after one year of this designation or in the event that New York State denies the applicant a permit. In anticipation of this possibility, we have introduced

legislation to block the creation of National Interest Electric Transmission Corridors (H.R. 809) and to bar the use of federal eminent domain by private companies like NYRI (H.R. 810), in addition to also cosponsoring a bill with Rep. Wolf that would sharply limit the NIETC designation process (H.R. 829).

During the conference calls you hosted yesterday afternoon for the media and Congressional staff, you indicated that as part of the 60-day public comment period, DOE will hold three public meetings (New York City, NY; Arlington, VA; and San Diego, CA) to examine each draft corridor designation. While we are encouraged by the DOE's willingness to solicit and consider public comments, we find it troubling that DOE would select only the abovementioned sites for public meetings. Restricting the public meeting to the New York City location will require interested parties from the counties we represent to travel up-to five hours to have their concerns heard, which for many of them will make it infeasible for them to participate, particularly during the middle of the week. We are also concerned that all three public meetings are proposed to be held in "sink" areas, or transmission destinations, for the proposed corridors, which could serve to heavily favor one side of this very critical public debate.

In order to maximize public participation in these meetings and ensure that all stakeholders in this process are given fair opportunity to convey their opinions in this matter, we respectfully request that DOE hold at least one additional public meeting on the proposed NIETCs within the 60-day public comment period. We strongly encourage you to hold the additional meeting(s) in upstate New York, closer to the "source" area and communities along the proposed Mid-Atlantic Area National Corridor. We stand ready to work with you to determine a location that would serve the interests of our constituents and meet the needs of the DOE.

Thank you in advance for your prompt attention to our request.

Sincerely,

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JOHN HALL  
Member of Congress

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MICHAEL A. ARCURI  
Member of Congress

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MAURICE D. HINCHEY  
Member of Congress

April 27, 2007  
The Honorable Dennis Kucinich, Chairman  
Subcommittee on Domestic Policy  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Kucinich:

Thank you again for allowing us the opportunity to participate in your subcommittee's hearing on National Interest Electric Transmission Corridors (NIETC) Wednesday. As you know, the

Department of Energy (DOE) released draft NIETC corridor designations – less than 24-hours later – which includes a proposal to create a Mid-Atlantic Area National Corridor that covers many of the counties we are privileged to represent.

While we expected this announcement from the DOE, it comes as a great shock that we are hearing the news a day after your subcommittee held an oversight hearing in Washington where Kevin Kolevar, DOE Director of the Office of Electricity Delivery and Energy Reliability testified about the implications of section 1221 of the Energy Policy Act of 2005 (Public Law 109-58), but failed to mention this announcement was imminent.

In light of DOE's announcement, we respectfully request a follow up hearing in Upstate New York to further question DOE officials and local stakeholders, and examine the Federal Energy Regulatory Commission's (FERC) ability under section 1221 to site transmission projects and allow private companies to use federal eminent domain for projects approved by FERC, and supersede state authority.

As you know, New York Regional Interconnection (NYRI), a private company, is proposing to build a 190-mile high voltage direct current electric transmission line from Oneida County, NY to Orange County, NY. This NYRI proposal has raised very significant concerns and strong opposition from local, county and state officials as well as a broad spectrum of organizations representing business, agricultural, environmental, historic and cultural interests. The New York State Legislature passed a law in October 2006 that would bar NYRI from utilizing existing state eminent domain procedures. We are committed to working together in Congress on behalf of our constituents to fight tooth and nail against the NYRI proposal. We have already introduced legislation (H.R. 809) to block the creation of National Interest Electric Transmission Corridors and (H.R. 810) to bar the use of federal eminent domain by private companies like NYRI, in addition to also cosponsoring a bill with Reps. Wolf and Tom Davis that would sharply limit the NIETC designation process (H.R. 829).

We contend that allowing private energy companies like NYRI to run roughshod over local property rights, subvert state authority, and damage environmentally sensitive areas everywhere in the country - except for a large portion of Texas - is patently unjust. Unfortunately, this sort of action is indicative of this administration's favoring of energy companies over the rights of average citizens.

Your assistance in bringing additional transparency and openness to this unjust process is greatly appreciated. We thank you in advance for your consideration of our request and look forward to working with you.

Sincerely,

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JOHN HALL  
Member of Congress

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MICHAEL A. ARCURI  
Member of Congress

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MAURICE D. HINCHEY  
Member of Congress